

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 193, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 25 Barrels of Vinegar, labeled "Oakland Apple Brand Cider Vinegar, Fermented. Oakland Vinegar & Pickle Company, Saginaw, Michigan," a proceeding of libel under section 10 of the aforesaid act for the seizure of said 25 barrels of vinegar, lately pending, and finally determined on October 11, 1909, in the District Court of the United States for the Northern District of Ohio by rendition of a decree of condemnation and forfeiture hereinafter fully set out.

A sample of the vinegar labeled and branded "Oakland Apple Brand Cider Vinegar, Fermented. Oakland Vinegar & Pickle Company, Saginaw, Michigan. The cider vinegar in this barrel is superior and guaranteed by the manufacturers to conform in every particular with the pure food laws of Michigan or any State where pure food laws are in force and pertaining to fermented pure cider vinegar," had been analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain dilute acetic acid, or distilled vinegar, and a foreign substance high in reducing sugars, when an inspector of said Department found in the possession of The Dannemiller Grocery Company, Canton, Ohio, 25 barrels of vinegar labeled as aforesaid. The vinegar had been shipped to The Dannemiller Grocery Company, Canton, Ohio, by the Oakland Vinegar & Pickle Company from Saginaw, Mich. From the aforesaid analysis it appeared that the vinegar was adulterated within the meaning of section 7 of the act in that it was sold as a pure cider vinegar, whereas it was, in fact, a product composed in part of dilute acetic acid, or distilled vinegar, together with a foreign substance high in reducing sugars, mixed in imitation of cider vinegar, and misbranded within the meaning of section 8 of the act in that it was labeled and branded "Oakland Apple Brand Cider Vinegar" and further labeled "The cider vinegar in this barrel is superior and guaranteed by the manufacturers to conform in every particular with the pure food laws of

Michigan or any State where pure food laws are in force and pertaining to fermented pure cider vinegar," which statements were false and misleading in that the product contained therein was not a pure cider vinegar, but consisted in part of dilute acetic acid, or distilled vinegar, and a foreign substance high in reducing sugars.

Accordingly, on April 10, 1909, the Secretary of Agriculture notified the United States Attorney for the Northern District of Ohio that the aforesaid 25 barrels of vinegar were then in the possession of the above-stated Dannemiller Grocery Company, Canton, Ohio, having been shipped as above stated, and that they were adulterated and misbranded within the meaning of the act. On April 10, 1909, the United States Attorney filed a libel in the District Court of the United States for the Northern District of Ohio praying seizure, condemnation, and forfeiture of the said vinegar. No answer having been filed to said libel and the case having come on for final hearing, on October 11, 1909, the court rendered its decree of condemnation and forfeiture in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES. NORTHERN DISTRICT OF OHIO.
EASTERN DIVISION.

THE UNITED STATES OF AMERICA, <i>Libellant</i> ,	} No. 107.
<i>vs.</i>	
TWENTY-FIVE BARRELS OF VINEGAR, LABELED "OAKLAND APPLE BRAND Cider Vinegar, Fermented. Oakland Vinegar & Pickle Company, Sagi- naw, Michigan", <i>Respondent</i> .	

JUDGMENT OF CONDEMNATION.

This cause coming on to be heard upon the motion of William L. Day, United States Attorney for the Northern District of Ohio, for judgment of condemnation, and it appearing to the Court that the warrant of arrest issued herein was duly served, and that by virtue thereof the Marshal of the United States for the Northern District of Ohio, has seized the twenty (20) barrels with contents specified in the said Libel, and it appearing that all parties in interest were cited by publication duly published according to law on the 14th day of April, 1909, to appear herein on or before the 3d. day of May, 1909, and it appearing that The Oakland Vinegar & Pickle Company, of Saginaw, Michigan, The Dannemiller Grocery Company, of Canton, Ohio, have failed to answer to the said Libel, and are in default for answer, and that the said The Oakland Vinegar & Pickle Company consent to a default and judgment under the same, it is on this 11th day of October, A. D. 1909,

Ordered, adjudged and decreed that the said twenty barrels with contents as aforesaid labeled and branded "Oakland Apple Brand Cider Vinegar, Fermented. Oakland Vinegar & Pickle Company, Saginaw, Michigan"; and further labeled and branded "The cider Vinegar in this barrel is superior and guaranteed by the manufacturers to conform in every particular with the pure food laws of Michigan, or any state where pure food laws are enforced, and pertaining to fermented pure cider vinegar", are misbranded, in violation of the Food and Drugs Act of June 30, 1906, as charged in the said Libel.

And it is further Ordered, Adjudged and Decreed that the said liquid contained in the said twenty barrels is adulterated in violation of the Food and Drugs Act of

June 30, 1906, in that the article therein contained and labeled and branded and purporting to be pure cider vinegar, is not a pure cider vinegar, but is a product composed in part of cider vinegar high in reducing sugars, to which has been added dilute acetic acid, mixed in imitation of cider vinegar, as charged in the said Libel.

And it is further Ordered, Adjudged and Decreed that the said twenty barrels of liquid aforesaid, be and they are hereby condemned, and ordered to be disposed of by destruction or by sale, in such manner as is not in conflict with the Food and Drugs Act of June 30, 1906.

It is provided, however, that on the payment of all costs of this proceeding, including costs of the Marshal, of storage, hauling and all other costs incurred, and the execution and delivery by the said claimant The Oakland Vinegar and Pickle Company of a proper bond in the penal sum of Five Hundred Dollars (\$500.00), conditioned that the said twenty barrels with contents, as described in the said Libel, shall not continue their present branding or be further branded in violation of the said Food and Drugs Act of June 30, 1906, and that the liquid contained in the said barrels shall not be sold, used or disposed of in violation of the Food and Drugs Act of June 30, 1906, the said Marshal shall re-deliver the said twenty barrels and contents to the said claimant, The Oakland Vinegar and Pickle Company, of Saginaw, Michigan, in lieu of disposing of them by destruction or sale, as aforesaid.

The said claimant, the Oakland Vinegar & Pickle Company, having complied with the terms of the aforesaid decree and section 10 of the Food and Drugs Act of June 30, 1906, the said 25 barrels of vinegar were redelivered to it.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1910.*

